

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

Joseph Lovera,	)	
	)	
<i>Plaintiff</i>	)	
	)	No. 21-cv-_____
-vs-	)	
	)	<i>(jury demand)</i>
Wexford Health Sources, Inc., and	)	
Dr. Kul Sood, Dr. Marlene Henze,	)	
and Dr. Kurt Osmundson,	)	
	)	
<i>Defendants.</i>	)	

**COMPLAINT**

Plaintiff, by counsel, alleges as follows:

1. This is a civil action arising under 42 U.S.C. § 1983. The jurisdiction of this Court is invoked under 28 U.S.C. § 1343 and § 1367.
2. Plaintiff Joseph Lovera is a resident of the Northern District of Illinois and is not presently confined in any jail, prison, or other correctional facility.
3. Defendant Wexford Health Sources, Inc. is a foreign corporation that provides health care to prisoners in the Illinois Department of Corrections.
4. Defendants Dr. Kul Sood, Dr. Marlene Henze, and Dr. Kurt Osmundson were at all times relevant physicians employed by defendant

Wexford who provided medical services to plaintiff while he was a prisoner in the Illinois Department of Corrections.

5. On numerous occasions in the three years before December of 2019, while a prisoner in the Illinois Department of Corrections, plaintiff complained to defendants Sood, Henze, and Osmundson about pain, tenderness, and sensitivity in the left lower side of his abdomen.

6. At all times relevant, the standard of care for a physician treating a patient, like plaintiff, who made frequent complaints of abdominal pains required that the physician rule out diverticulitis as a cause.

7. One or more of defendants Sood, Henze, and Osmundson ignored plaintiff's complaints of abdominal pains.

8. One or more of defendants Sood, Henze, and Osmundson turned a blind eye to plaintiff's complaints and, while acting in the scope of their employment for defendant Wexford, failed to meet the standard of care.

9. As the direct and proximate result of the deliberate indifference and negligence of defendants Sood, Henze, and Osmundson, plaintiff continued to suffer unnecessary pain because he did not receive treatment for diverticulitis and, while a prisoner at the Joliet Treatment Center in Joliet, Illinois, required emergency surgery on December 23, 2019 that included, *inter alia*, removal of part of his colon.

10. The above-described wrongful acts of defendants Sood, Henze, and Osmundson caused plaintiff to be deprived of rights secured by the Eighth Amendment to the Constitution of the United States and constitute the Illinois tort of medical malpractice, for which defendant Wexford is responsible under the doctrine of respondeat superior.

11. Plaintiff hereby demands trial by jury.

Wherefore plaintiff prays for an appropriate award of damages against defendants.

/s/ Kenneth N. Flaxman  
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